REMARKS/ARGUMENTS

Claims 20-37 are active. These claims find support as follows: claim 20 (claims 1 and 5), claim 21 (claims 1, 3 and 5), claim 22 (claims 1, 4 and 5), claim 23 (claims 1, 3, 4 and 5), claim 24 (claims 1 and 6), claim 25 (claims 1, 3 and 6), claim 26 (claims 1, 4, and 6), claim 27 (claims 1, 3, 4 and 6), claim 28 (claims 1, 5 and 6), claim 29 (claims 1, 3, 5 and 6), claim 30 (claims 1, 4, 5 and 6), claim 31 (claims 1, 3, 4, 5 and 6). Claims 32-35 track claims 13-16 and also find support on pages 1-2 of the specification. Claims 36-37 also find support in the original claims. No new matter has been introduced. Favorable consideration of this Amendment and allowance are respectfully requested.

Information Disclosure Statement

The Applicants thank Examiner Fierro for considering their prior information disclosure statements. The IDS submitted December 1, 2006 was not considered because documents AO, AP or AS were illegible or not provided. Copies of these references are attached to this response on a new Information Disclosure Statement and the Applicants respectfully request their formal consideration by the Examiner.

Restriction/Election

The Applicants previously elected with traverse **Group I**, claims 1, 3-10, and 13-16, directed to a product or drug (composition). The Applicants also previously elected as species:

(1) cationized metalloporphorin complex: [5,10,15,20-tetrakis(2-methylpyridyl)porphyrin] where R1-R4 are 2-methylpyridal and the metal ion is Fe;

(2) anionic surfactant SAS (stearic acid), and

(3) a mixture of pluronic acid and cholesterol.

The Applicants thank the Examiner for indicating on page 4 of the OA that the election of species requirement has been withdrawn.

The restriction requirement has been made FINAL. The Applicants respectfully request that the claims of the nonelected group(s) or other withdrawn subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Objections—Claims

Claims 5, 6 and 13-16 have been objected to as being in improper form. This objection is now moot.

Rejection 35 U.S.C. 112, second paragraph

Claims 1, 3, 4 and 7-10 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is now moot. It would not apply to the present claims which incorporate limitations from claims 5 and 6 which were not rejected.

Rejection 35 U.S.C. 112, first paragraph

Claim 1 was rejected under 35 U.S.C. 112, first paragraph as lacking adequate written description. This rejection is now moot. It would not apply to the present claims which incorporate limitations from claims 5 and 6 which were not rejected.

Rejection—35 U.S.C. §103(a)

Claims 1, 3 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishihara, et al., U.S. 2002/0164379, in view of Baroli, et al., Int. J. Pharm. 183. This

rejection is moot in view of the cancellation of the prior claims. It would not apply to the present claims which incorporate limitations from claims 5 and 6 which were not rejected.

Rejection—35 U.S.C. §103(a)

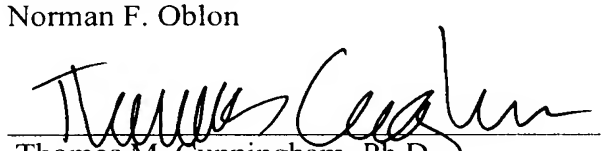
Claims 1, 3 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishihara, et al., U.S. 2002/0164379, in view of Baroli, et al., Int. J. Pharm. 183 and further in view of Uchegbu, et al., Adv. Colloid Interf. Sci. 58. This rejection is moot in view of the cancellation of the prior claims. It would not apply to the present claims which incorporate limitations from claims 5 and 6 which were not rejected.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



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